

NOV 03 2010

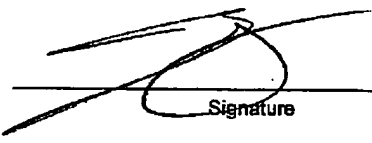
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1001/0165PUS1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____		Application Number 10/524,672	Filed 28 Feb 2007
		First Named Inventor FRERICHS	
		Art Unit 2892	Examiner GORDON, MATTHEW E
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>51011</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			



Signature
Martin R. Geissler
Typed or printed name
1.703.621.7140
Telephone number
November 3, 2010
Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): FRERICHS	Confirmation No. 1532
Application No.: 10/524,672	Art Unit: 2892
Filed: 28 Feb 2007	Examiner: GORDON, MATTHEW E
Title: METHOD FOR THE PRODUCTION OF A FIXED CONNECTION BETWEEN TWO LAYERS OF A MULTILAYER SYSTEM, AND MULTILAYER SYSTEM	
Attorney Docket No.: 1001/0165PUS1	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

This application contains claims 16-27 and 32-33 with claims 16 and 32 being independent. Independent claims 16 and 32 as well as dependent claims 17-22, 27 and 32-33 are rejected under 35 USC 102 as anticipated by Okada et al (Japanese Patent Pub. 2002-158447). It is again noted that there is no formal statement of the rejection of claims 32 and 33. The remaining dependent claims 23-26 are rejected under 35 USC 103 as obvious over Okada.

The basis for transversal of the rejection lies with what is submitted by applicants as an erroneous interpretation of the showing of Figure 1 of Okada. In order to reject independent claims 16 and 32 as anticipated by Okada, the Examiner relies on the Figure 1 of Okada for showing the claimed "plurality of anchoring elements each embedded in at least two of the first and second functional layers and the intermediate

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layer" as defined in claim 16 and "a plurality of anchoring elements disposed between, and partially embedded in at least one of the first and the second functional layers" as defined in claim 32. According to the Final rejection the first functional layer is layer 101 of Figure 1 of Okada, the second functional layer is layer 108 and the intermediate layer is the insulating layer 102 of Okada and the anchoring elements correspond to the post 104 of Okada.

Applicants have previously indicated in the Response of October 1, 2010 that Okada fails to disclose that the posts 104 of Figure 1b are embedded in two of the three layers as required by each of claims 16 and 32. That is post 104 of Okada is only embedded in layer 102 (intermediate layer). The posts 104 are covered by layer 101 or more particularly sections 107a and are also covered by solder layer 105 and layer 108. No definition of "embedded" includes the possibility that posts 104 are embedded in anything other than layer 102. Thus claim 16 is not anticipated as it requires that the anchoring elements (posts) be embedded in at least two layers including the first and second and intermediate layers. Similarly claim 32 is not anticipated as it requires that the anchoring elements be embedded in either the first or second functional layers which according to the rejection correspond to layers 101 or 108. Clearly the posts 104 (anchoring elements) are not embedded in the first 101 or second 108 layer but are embedded in the intermediate layer 102. Thus claim 32 as well as claim 16 define subject matter not shown or disclosed by Okada.

The Advisory Action of October 13, 2010 contains an indication by the Examiner that the argument was not persuasive because "the examiner interprets the posts (104), which is present in layer (108) of Okada, as also being embedded in layer (108)."

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Applicants again submit that this is not a proper interpretation because the Examiner cannot point to any interpretation or definition of "embedded" which could possibly include the "posts 104" of Okada as they are situated in Figure 1 of Okada. That is layer 108 covers the caps 105 which in turn cover the post 104. When the claim calls for anchoring elements to be embedded in one or more layers, it clearly requires some contact between the anchoring elements and the layers. There is no contact between post 104 and layer 108 in Okada. Furthermore applicants' specification and drawings show and support the proposition that the applicants claimed anchoring elements 9 are embedded in layer 6 and layer 1 in Figure 5. Therefore the specification is consisted with the claims regarding the interpretation of "embedded". More importantly however, as pointed out above no interpretation of "embedded" can allow for a reading of Figure 1 of Okada as reading that the posts 104 are embedded in layer 108 as required according to the Examiners analysis to support a rejection under 35 USC 102 based on Okada.

Dependent claims 17-27 and 33 depend from and contain all the limitations of claim 26 or claim 32 and are thus also submitted as allowable over any obvious variation of Okada under 35 USC 103. Additionally, the Examiner makes the point that the term semiconductor sensor is given no patentable weight because it is in the preamble. This has no bearing on the rejection of the dependent claims which are based on obviousness under 35 USC 103. In that instance, the construction of a semiconductor sensor must carry patentable weight.

Therefore the removal of the rejections of claims 16-27 and 32-33 is respectfully requested.

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CONCLUSION

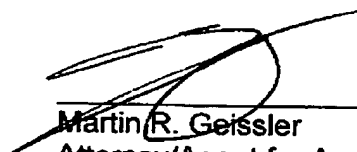
Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Martin R. Geissler, Applicants' Attorney at 1.703.621.7140 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3828 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Date: 11-03-10

Respectfully Submitted,



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Enclosure: